

 **ORIGINAL**

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, CRIMINAL DIVISION

v.

CC No.: 2012 02820

THADDEUS THOMAS CRUMBLEY,
Defendant.

THE HONORABLE BETH LAZZARA

**PETITION FOR NOMINAL BOND
PURSUANT TO PA. R. CRIM. P. 600(E)**

Filed on Behalf of Defendant:

Thaddeus Thomas Crumbley

Counsel of Record for this Party:

Wendy L. Williams
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FILED

2012 JUN 13 AM 9:08

DEPT OF COURT RECORDS
CRIMINAL DIVISION
ALLEGHENY COUNTY PA

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AND NOW comes Thaddeus Thomas Crumbley, by and through his attorney Wendy Williams, and sets forth the following:

1. The within case was scheduled for jury selection on Monday, June 11, 2012, with trial to begin approximately Tuesday, June 12, 2012.
2. The Commonwealth indicated that three necessary witnesses were not found for trial.
3. There was no evidence presented that the Commonwealth exercised due diligence in this matter as to the three unknown witnesses and asked for additional time to locate witnesses.
4. The Defendant's Counsel notified Allegheny County Pretrial Services: Bail Unit, June 12, 2012, as to the scheduling of the hearing.
5. The Defendant avers his 180th day runs on or about June 17, 2012 in this matter.
6. At all times relevant, the Defendant has been available and ready for trial. The Defendant objected to the Commonwealth postponement, which was granted on June 8, 2012, over the Defendant's objection.
7. The Defendant's right to a speedy trial is guaranteed under the U.S. Constitution as fundamentally secured by the Sixth Amendment, Eighth Amendment, and Fourteenth Amendment's Due Process Clause.

8. To give effect to the fundamental right to a speedy trial, the Pennsylvania Supreme Court promulgated Pa. R. Crim. P. 600 (formerly Rule 1100). Rule 600 provides in pertinent part:

Rule 600: Prompt Trial

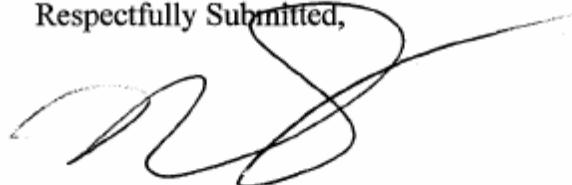
(A)(2) Trial in a court case in which a written complaint is filed against the defendant, when the defendant is incarcerated on that case, shall commence no later than 180 days from the date on which the complaint is filed.

(E) No defendant shall be held in pre-trial incarceration on a given case for a period exceeding 180 days, excluding from the time [for excludable delay under paragraph (C)]. Any defendant held in excess of 180 days is entitled upon petition to immediate release on nominal bail.

9. Rule 600 was adopted “to give ‘practical effect to the United States Supreme Court’s observation that state courts could pursuant to their supervisory powers, establish ‘fixed time period[s]’ within which cases must normally be brought.” Commonwealth v. Terfinko, 474 A.2d 275, 278 (Pa. 1984), quoting Commonwealth v. Hamilton, 297 A.2d 127, 130 (Pa. 1970). Additionally, “a primary purpose of Rule [600] is to prevent prejudice to the appellant in the preparation of his defense.” Commonwealth v. Demarco, 481 A.2d 632 (Pa. Super. 1984), quoting Hamilton, supra.
10. The Defendant is severely prejudiced by the delay, if it results in his continued incarceration.
11. The Defendant is not a flight risk. He was arrested on this matter at his home without incident. He would reside with his family, wife and four children in Allegheny County and would comply with any conditions set by this Honorable Court in this matter for bond.
12. The Defendant is on federal supervision and turned himself in to authorities on a previous occasion when he became aware he had a warrant for his arrest.

WHEREFORE, the Defendant respectfully requests that this Honorable Court grant the within Petition for Nominal Bond Pursuant to Pa. R. Crim. P. 600(E).

Respectfully Submitted,



Wendy L. Williams

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v.

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Defendant.

THE HONORABLE BETH LAZZARA

ORDER OF COURT:

AND NOW, to wit, this _____ day of _____, 2012, upon
consideration of the foregoing Petition for Nominal Bond Pursuant to Pa. R. Crim. P. 600(E),
it is hereby ORDERED, ADJUDGED, and DECREED that:

BY THE COURT:

_____, J.

CERTIFICATE OF SERVICE

I, Wendy L. Williams, hereby certify that a true and correct copy of the within Petition for Nominal Bond Pursuant to Petition for Nominal Bond Pursuant to Pa. R. Crim. P. 600(E), was served in the manner indicated, this 12th day of June, 2012 upon the following:

The Honorable Beth Lazzara
510 Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219
Via Hand-Delivery


DDA Steven Stadtmiller
c/o Allegheny County District Attorney's Office
401 Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219
sstadtmiller@da.allegheny.pa.us
Via Hand-Delivery and Email

Allegheny County Pretrial Services: Bail Unit
564 Forbes Avenue, 4th Floor
Pittsburgh, PA 15219
(412) 350-7109
Via Facsimile

Helen Lynch, Court Administrator
Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219
Via Hand Delivery

Randall McKinney, Esquire
rhmc@randallmckinneylaw.com
Via Email

Mr. Thaddeus Crumbley, DOC# 69038, Pod: 8D
c/o Allegheny County Jail
950 2nd Avenue
Pittsburgh, PA 15219
Via Hand Delivery


Wendy L. Williams